

“(D) of the effective date of the block.

“(3) AUTHORITY TO DECLINE OR RESCIND.—

“(A) IN GENERAL.—A consumer reporting agency may decline to block, or may rescind any block, of consumer information under this subsection if—

“(i) in the exercise of good faith and reasonable judgment, the consumer reporting agency finds that—

“(I) the information was blocked due to a misrepresentation of fact by the consumer relevant to the request to block; or

“(II) the consumer knowingly obtained possession of goods, services, or moneys as a result of the blocked transaction or transactions, or the consumer should have known that the consumer obtained possession of goods, services, or moneys as a result of the blocked transaction or transactions; or

“(ii) the consumer agrees that the blocked information or portions of the blocked information were blocked in error.

“(B) NOTIFICATION TO CONSUMER.—If the block of information is declined or rescinded under this paragraph, the affected consumer shall be notified promptly, in the same manner as consumers are notified of the reinsertion of information under subsection (a)(5)(B).

“(C) SIGNIFICANCE OF BLOCK.—For purposes of this paragraph, if a consumer reporting agency rescinds a block, the presence of information in the file of a consumer prior to the blocking of such information is not evidence of whether the consumer knew or should have known that the consumer obtained possession of any goods, services, or moneys as a result of the block.

“(4) EXCEPTIONS.—

“(A) NEGATIVE INFORMATION DATA.—A consumer reporting agency shall not be required to comply with this subsection when such agency is issuing information for authorizations, for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payment, based solely on negative information, including—

“(i) dishonored checks;

“(ii) accounts closed for cause;

“(iii) substantial overdrafts;

“(iv) abuse of automated teller machines;

or

“(v) other information which indicates a risk of fraud occurring.

“(B) RESELLERS.—

“(i) NO RESELLER FILE.—The provisions of this subsection do not apply to a consumer reporting agency if the consumer reporting agency—

“(I) does not maintain a file on the consumer from which consumer reports are produced;

“(II) is not, at the time of the request of the consumer under paragraph (1), otherwise furnishing or reselling a consumer report concerning the information identified by the consumer; and

“(III) informs the consumer, by any means, that the consumer may report the identity theft to the Federal Trade Commission to obtain consumer information regarding identity theft.

“(ii) RESELLER WITH FILE.—The sole obligation of the consumer reporting agency under this subsection, with regard to any request of a consumer under this subsection, shall be to block the consumer report maintained by the consumer reporting agency from any subsequent use if—

“(I) the consumer, in accordance with the provisions of paragraph (1), identifies, to a consumer reporting agency, information in the file of the consumer that resulted from identity theft;

“(II) the consumer reporting agency is acting as a reseller of the identified information by assembling or merging information about

that consumer which is contained in the database of not less than 1 other consumer reporting agency; and

“(III) the consumer reporting agency does not store or maintain a database of information obtained for resale from which new consumer reports are produced.

“(iii) NOTICE.—In carrying out its obligation under clause (ii), the consumer reporting agency shall provide a notice to the consumer of the decision to block the file. Such notice shall contain the name, address, and telephone number of each consumer reporting agency from which the consumer information was obtained for resale.”.

(b) FALSE CLAIMS.—Section 1028 of title 18, United States Code, is amended by adding at the end the following:

“(j) Any person who knowingly falsely claims to be a victim of identity theft for the purpose of obtaining the blocking of information by a consumer reporting agency under section 611(e)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681i(e)(1)) shall be fined under this title, imprisoned not more than 3 years, or both.”.

(c) STATUTE OF LIMITATIONS.—Section 618 of the Fair Credit Reporting Act (15 U.S.C. 1681p) is amended to read as follows:

**“SEC. 618. JURISDICTION OF COURTS; LIMITATION ON ACTIONS.**

“(a) IN GENERAL.—Except as provided in subsections (b) and (c), an action to enforce any liability created under this title may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, not later than 2 years from the date of the defendant's violation of any requirement under this title.

“(b) WILLFUL MISREPRESENTATION.—In any case in which the defendant has materially and willfully misrepresented any information required to be disclosed to an individual under this title, and the information misrepresented is material to the establishment of the liability of the defendant to that individual under this title, an action to enforce a liability created under this title may be brought at any time within 2 years after the date of discovery by the individual of the misrepresentation.

“(c) IDENTITY THEFT.—An action to enforce a liability created under this title may be brought not later than 4 years from the date of the defendant's violation if—

“(1) the plaintiff is the victim of an identity theft; or

“(2) the plaintiff—

“(A) has reasonable grounds to believe that the plaintiff is the victim of an identity theft; and

“(B) has not materially and willfully misrepresented such a claim.”.

**SEC. 5. COORDINATING COMMITTEE STUDY OF COORDINATION BETWEEN FEDERAL, STATE, AND LOCAL AUTHORITIES IN ENFORCING IDENTITY THEFT LAWS.**

(a) MEMBERSHIP; TERM.—Section 2 of the Internet False Identification Prevention Act of 2000 (18 U.S.C. 1028 note) is amended—

(1) in subsection (b), by striking “and the Commissioner of Immigration and Naturalization” and inserting “the Commissioner of Immigration and Naturalization, the Chairman of the Federal Trade Commission, the Postmaster General, and the Commissioner of the United States Customs Service,”; and

(2) in subsection (c), by striking “2 years after the effective date of this Act.” and inserting “on December 28, 2005.”.

(b) CONSULTATION.—Section 2 of the Internet False Identification Prevention Act of 2000 (18 U.S.C. 1028 note) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d) CONSULTATION.—In discharging its duties, the coordinating committee shall consult with interested parties, including State and local law enforcement agencies, State attorneys general, representatives of business entities (as that term is defined in section 4 of the Identity Theft Victims Assistance Act of 2003), including telecommunications and utility companies, and organizations representing consumers.”.

(c) REPORT DISTRIBUTION AND CONTENTS.—Section 2(e) of the Internet False Identification Prevention Act of 2000 (18 U.S.C. 1028 note) (as redesignated by subsection (b)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—The Attorney General and the Secretary of the Treasury, at the end of each year of the existence of the coordinating committee, shall report on the activities of the coordinating committee to—

“(A) the Committee on the Judiciary of the Senate;

“(B) the Committee on the Judiciary of the House of Representatives;

“(C) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

“(D) the Committee on Financial Services of the House of Representatives.”;

(2) in subparagraph (E), by striking “and” at the end; and

(3) by striking subparagraph (F) and inserting the following:

“(F) a comprehensive description of Federal assistance provided to State and local law enforcement agencies to address identity theft;

“(G) a comprehensive description of coordination activities between Federal, State, and local law enforcement agencies that address identity theft; and

“(H) recommendations in the discretion of the President, if any, for legislative or administrative changes that would—

“(i) facilitate more effective investigation and prosecution of cases involving—

“(I) identity theft; and

“(II) the creation and distribution of false identification documents;

“(ii) improve the effectiveness of Federal assistance to State and local law enforcement agencies and coordination between Federal, State, and local law enforcement agencies; and

“(iii) simplify efforts by a person necessary to rectify the harm that results from the theft of the identity of such person.”.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 1547. Mr. REID (for himself, Mr. BINGAMAN, Mrs. CLINTON, Ms. MIKULSKI, Mrs. MURRAY, Mr. KENNEDY, Mr. KERRY, and Mr. CORZINE) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

SA 1548. Mr. CAMPBELL (for himself, Mr. CHAMBLISS, Mr. INOUE, Mr. BUNNING, Mr. LIEBERMAN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1549. Mr. LAUTENBERG (for himself, Mr. CORZINE, Mr. DORGAN, Ms. LANDRIEU, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1550. Mr. CONRAD submitted an amendment intended to be proposed to

amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1551. Mr. CONRAD submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1552. Ms. MIKULSKI (for herself, Ms. COLLINS, Mr. KERRY, Mr. JEFFORDS, Mrs. CLINTON, Mrs. MURRAY, Mr. DASCHLE, Mr. LIEBERMAN, Mr. BIDEN, Mr. LAUTENBERG, Mr. SARBANES, Mr. KOHL, Mr. LEAHY, Mr. SCHUMER, Mr. EDWARDS, Mr. CORZINE, Ms. LANDRIEU, Mr. BAUCUS, Mr. DURBIN, Mr. DODD, Mr. REID, Mr. NELSON of Florida, Mr. BINGAMAN, Mr. SMITH, Ms. SNOWE, and Ms. CANTWELL) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1553. Mr. DORGAN (for himself, Mr. INHOFE, Mr. LAUTENBERG, Mr. CONRAD, Mr. KERRY, Mrs. MURRAY, Mr. DASCHLE, Mr. NELSON of Nebraska, Mr. JOHNSON, Mr. ALLEN, Mr. HAGEL, Mr. CORZINE, Mr. AKAKA, Mrs. CLINTON, Mr. BAUCUS, and Mr. NELSON of Florida) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1554. Mr. DAYTON proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1555. Mr. DEWINE submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 1547.** Mr. REID (for himself, Mr. BINGAMAN, Mrs. MIKULSKI, Mrs. MURRAY, Mr. KENNEDY, Mr. KERRY, and Mr. CORZINE) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title III, insert the following:  
SEC. 306. (a) In addition to any amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) an additional \$20,000,000 to carry out part H of title I of the Elementary and Secondary Education Act of 1965 (dropout prevention);

(2) an additional \$85,000,000 to carry out title III of the Elementary and Secondary Education Act of 1965 (language instruction);

(3) an additional \$6,449,000 to carry out part A of title V of the Higher Education Act of 1965 (Hispanic-serving institutions);

(4) an additional \$4,587,000 to carry out part C of title I of the Elementary and Secondary Education Act of 1965 (migrant education);

(5) an additional \$11,000,000 to carry out high school equivalency program activities under section 418A of the Higher Education Act of 1965 (HEP);

(6) an additional \$1,000,000 to carry out college assistance migrant program activities under section 418A of the Higher Education Act of 1965 (CAMP);

(7) an additional \$12,776,000 to carry out subpart 16 of part D of title V of the Elementary and Secondary Education Act of 1965 (parental assistance and local family information centers); and

(8) an additional \$69,000,000 to carry out migrant and seasonal Head Start programs: *Provided*, That such sum shall be in addition

to funds reserved for migrant, seasonal, and other Head Start programs under section 640(a)(2) of the Head Start Act.

(b) Of the funds appropriated in this Act for the National Institutes of Health, \$150,000,000 shall not be available for obligation until September 30, 2004.

(c) The amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,105,011,000 and the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,573,489,000.

**SA 1548.** Mr. CAMPBELL (for himself, Mr. CHAMBLISS, Mr. INOUE, Mr. BUNNING, Mr. LIEBERMAN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 2660, making appropriations for the Departments of Labor, Health, and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . SUMMER HEALTH CAREER INTRODUCTORY PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) the success of the health care system is dependent on qualified personnel;

(2) hospitals and health facilities across the United States have been deeply impacted by declines among nurses, pharmacists, radiology and laboratory technicians, and other workers;

(3) the health care workforce shortage is not a short term problem and such workforce shortages can be expected for many years; and

(4) most States are looking for ways to address such shortages.

(b) GRANTS.—The Secretary of Health and Human Services, acting through the Bureau of Health Professions of the Health Resources and Services Administration, may award not to exceed 5 grants for the establishment of summer health career introductory programs for middle and high school students.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (b) an entity shall—

(1) be an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); and

(2) prepare and submit to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.

(d) DURATION.—The term of a grant under subsection (b) shall not exceed 4 years.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2004 through 2007.

**SA 1549.** Mr. LAUTENBERG (for himself, Mr. CORZINE, Mr. DORGAN, Ms. LANDRIEU, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, between lines 15 and 16, insert the following:

SEC. \_\_\_\_ . In addition to amounts made available under this title to carry out title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.), there shall be made available to carry out such title amounts appropriated for such title for fiscal year 2003 that were rescinded. Amounts made available under this title (including this section) for such purposes shall be used, consistent with the amendments made by the Older Americans Act Amendments of 2000 (Public Law 106-501)—

(1) to award grants, at not less than the program year 2002 grant award level, to all national grantees under such title that received grants for the program year ending June 20, 2003, that—

(A) currently satisfy the responsibility tests under section 514(d) of such title;

(B) meet the eligibility requirements under such title; and

(C) meet or exceed the program year 2002 performance goals of such grantee;

(2) to award grants, with any funds remaining after grants are awarded under paragraph (1), to organizations eligible under such title V based on the results of the competitive process conducted by the Department of Labor in fiscal year 2003 and a determination by the Secretary of Labor that any such organization has demonstrated fiscal integrity and accountability in the administration of Federal grants; and

(3) to implement the requirements of section 514(e) of such title V as amended by the Older Americans Act Amendments of 2000 with respect to any program year 2002 national grantee under such title that failed to meet the performance goals of such grantee.

**SA 1550.** Mr. CONRAD submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, between lines 10 and 11, insert the following:

SEC. \_\_\_\_ . (a) ELIGIBILITY.—For the purpose of calculating a payment under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) for any local educational agency described under section 8003(b)(2)(B)(i)(II) of such Act (20 U.S.C. 7703(b)(2)(B)(i)(II)), the Secretary shall treat as eligible any child described in section 8003(a)(1)(D)(i) of such Act (20 U.S.C. 7703(a)(1)(D)(i)) and educated off-base by another local educational agency without tuition charge, if such child meets the requirements of subsection (b).

(b) REQUIREMENTS.—A child referred to in subsection (a), is any child for whom the applicant local educational agency is unable to provide a free public education in such agency's own schools due to grade span limitations or who would have resided in housing on Federal property within the applicant local educational agency's boundaries and been described under section 8003(a)(1)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)(B)), except that such housing was undergoing renovation or rebuilding, as determined under section 8003(a)(4) of such Act (20 U.S.C. 7703(a)(4)), on the applicant local educational agency's survey date, or both.

(c) EFFECTIVE DATE.—This section shall be effective for any fiscal year beginning with fiscal year 2001.

**SA 1551.** Mr. CONRAD submitted an amendment intended to be proposed to